

**ANNUAL REPORT  
OF THE COMMISSION ON  
MENTAL RETARDATION  
AND  
DEVELOPMENT DISABILITIES**



**Indiana Legislative Services Agency  
200 W. Washington St., Suite 301  
Indianapolis, Indiana 46204-2789**

**November 2005**

# INDIANA LEGISLATIVE COUNCIL

## 2005

Senator Robert Garton

Chairman

Columbus

Speaker Brian Bosma

Vice-Chairman

Indianapolis

Senator Richard Young

Milltown

Representative B. Patrick Bauer

South Bend

Senator James Merritt, Jr.

Indianapolis

Representative William Friend

Macy

Senator Patricia Miller

Indianapolis

Representative Kathy Richardson

Noblesville

Senator Thomas Wyss

Fort Wayne

Representative Timothy Brown

Crawfordsville

Senator David Long

Fort Wayne

Representative P. Eric Turner

Marion

Senator James Lewis

Charlestown

Representative Dale Grubb

Covington

Senator Earline Rogers

Gary

Representative Russell Stilwell

Boonville

Philip J. Sachtleben  
Executive Director  
Legislative Services Agency

# **Commission on Mental Retardation and Developmental Disabilities**

## **Membership Roster**

### **Senators**

**Marvin Riegsecker, Chair  
Goshen**

**Rose Ann Antich-Carr  
Merrillville**

### **Representatives**

**Sheila Klinker  
Lafayette**

**Troy Woodruff  
Vincennes**

### **Lay Members**

**Sylvia M. Brantley  
Unionville**

**Christopher Durcholz  
Brazil**

**Dan Harshman  
South Bend**

**Suda Hopkins  
Gary**

**Sally Lowery  
Terre Haute**

**Scott MacGregor  
Fishers**

**Joanne R. Warners  
New Castle**

**Betty Williams  
Richmond**

### **Legislative Services Agency Staff**

**Sarah Brooks, Fiscal Analyst  
Susan Kennell, Attorney**

**November 1, 2005**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Commission can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## INFORMATION REPORT

### **Commission on Mental Retardation and Developmental Disabilities**

#### **I. STATUTORY DIRECTIVE**

The Indiana Commission on Mental Retardation and Developmental Disabilities (Commission) was established by P.L. 78-1994 to do the following: (1) develop a long-range plan for community-based services for the developmentally disabled; and (2) review, make recommendations, and monitor changes regarding services to the mentally retarded and developmentally disabled population.

P.L. 245-1997 amended the original legislation, extending the life of the Commission to January 1, 2001. P.L. 272-1999 further extended the life of the Commission to January 1, 2005, and added the following responsibilities: (1) review and make recommendations regarding the implementation of the comprehensive plan prepared by the Developmental Disabilities Task Force (the "317 Plan"); and (2) review and make recommendations regarding the development by the Division of Disability and Rehabilitative Services of a statewide plan to address quality assurance in community-based services. P.L. 242-2001 added an annual review of the Infants and Toddlers with Disabilities Program ("First Steps") to the Commission's duties.

In 2002, the Commission was converted to a permanent statutory commission in P.L. 190-2002. In addition, the Commission was required to: (1) study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home- and community-based services waivers; (2) study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home- and community-based services waivers; and (3) monitor and recommend changes for improvements in the implementation of home- and community-based services waivers.

#### **II. INTRODUCTION**

The Commission met four times during the 2005 interim session: August 10, September 14, September 29, and October 25. The first meeting was a joint meeting held with the Commission on Autism.

The Commission is not required to file a final report.

The Commission addressed several topics during its four meetings.

Secretary Roob, of the Family and Social Services Administration, presented the Commission with an overview of where the Family and Social Services Administration was, is now, and intends to be in the future.

The Commission was presented a final report from the Family and Social Services Administration pertaining to the closure of Muscatatuck State Developmental Center. A closing ceremony was held for the facility on June 5, 2005.

The Commission was provided a report from Secretary Roob pertaining to the closure of Ft. Wayne Developmental Center at its October 25<sup>th</sup> meeting. Secretary Roob listed three reasons behind the decision to close the facility: (1) quality of care; (2) quantity of money saved; and (3) on-going issues. Secretary Roob stated that the administration hopes to close the facility by July 1, 2007.

The Division of Disability, Aging, and Rehabilitative Services (DDARS) provided the Commission with updates on several topic areas including the following:

- Contract Renewal Changes/Updates
  - The DDARS reported that it is in the process of changing billing for waiver services from a 1/4 hour reimbursement system to an hourly rate/annual contract amount.
- Criminal Justice Issues
  - The DDARS provided data to the Commission relative to the number of MRDD persons served in the correctional system. The Division, however, pointed out that the data is likely not representative of the larger MRDD correctional population due to the lack of accurate data.
- 317 Plan Update
  - The Division presented information pertaining to the Division's current plans in light of the recommendations of the 317 Task Force. Mr. Bisbecos addressed five key areas: (1) implement and improve person-centered planning and person-centered funding designs; (2) redirect funding away from congregate settings to integrated residential, day services, and employment settings; (3) assure and improve the quality of services delivered to individuals with developmental disabilities; (4) build the community capacity to provide individualized and person-centered services; and (5) secure financial resources to respond to the demand for services of persons with developmental disabilities and their families.
- 615 Letter Update
  - The DDARS provided the Commission with a status report for the 615 letter including: (1) defining the criteria and process used by the Office of Medicaid Policy and Planning (OMPP) to determine if a DD individual qualifies for the level of care provided by an intermediate care facility; (2) defining the criteria and process used by OMPP to determine the number of hours of care that a DD individual needs in a supervised group-living setting; (3) amending the requirements under 405 IAC to require that the supported living program and reimbursement system contain specific components; (4) amending 460 IAC 6; and (5) adding and amending rules under 405 IAC to govern fiscal audits.

An update on the First Steps program was provided to the Commission by Ms. Lora Miller, Director of the First Steps Program. Ms. Miller indicated that First Steps is currently undergoing restructuring and is looking at moving itself from the Division of Family Resources to DDARS. Ms. Miller stated that the program needs to be able to bill all private insurance companies for clients served in order to maximize federal Medicaid draw-down dollars. The program hopes to pass legislation during the 2006 legislative session to allow it to do so.

At the Commission's October 25, 2005, meeting, the Commission approved the following drafts of proposed legislation and resolutions.

**First Steps (PD 3355):** The proposed bill transfers the First Steps Program. The bill creates the Bureau of Child Development Services within the Division of Disability, Aging, and Rehabilitative Services. It places the infants and toddlers with disabilities program (First Steps) under the Bureau of Child Development Services. It also makes conforming amendments. The Commission voted, 8 to 0, to approve the PD.

**People-First Resolution:** The proposed resolution would urge the Legislative Council to assign the topic of requiring the use of "people first" or respectful language when referring to people with disabilities in all Indiana laws to a committee for further study. The Commission voted, 8 to 0, to approve the resolution.